



AMY M. PEPKE

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Amy Pepke has spent more than 20 years representing clients in complex litigation including class actions, mass torts, consolidated actions and corporate criminal investigations. She has extensive experience defending national and international corporations, and individuals, in matters ranging from pharmaceutical and medical device product liability to international contracts to intellectual property violations. She has applied her skills to every aspect of litigation from discovery, critical depositions, motion practice, trial, through the appellate process. Amy is a creative problem solver, legal strategist, and committed advocate. She is the immediate past chair of the Firm's Appellate and Written Advocacy Group.

ABOUT AMY

Amy's recent experience includes serving as appellate counsel, MDL appellate trial counsel and lead motion coordinator for Johnson & Johnson in the pelvic mesh litigation. In this role she has written, directed, and overseen the preparation of over a thousand *Daubert* motions, and hundreds of dispositive motions, leading a team obtaining summary judgment or dismissals in over 70 cases in the last 18 months. In 2020, in *Willet v. Johnson and Johnson*, 465 F.Supp.3d 895 (S.D. Iowa 2020), she obtained exclusion of plaintiff's primary expert and subsequent summary judgment in a pelvic mesh case. In 2018, in *Kaiser v. Johnson & Johnson et al.*, Case No. 2:17-cv-00114 (N.D. Ind.), she obtained a multimillion-dollar remittitur on appeal in a pelvic mesh case. In 2017, Amy served as appellate trial counsel in *Herrera-Nevarez v. Ethicon Inc. et al.*, Case No. 17 C 3930 (N.D. Ill.), which resulted in a defense verdict on design defect, failure to warn and negligence claims. She also recently represented a national restaurant group at the Tennessee Supreme Court in a case involving claims of vicarious liability, negligent hiring and supervision of an employee convicted of rape and robbery of a local franchise manager.

She has served as national co-lead of the motions and briefing team in testosterone litigation, co-lead for Butler Snow's motions team and appellate trial counsel in the hernia mesh litigation, and as a member of the motion teams in the Pradaxa[®], Propecia[®] and Tylenol[®] litigations. Her experience further includes obtaining summary judgment for a manufacturer of metalworking fluids in mass torts case involving over 200 plaintiffs with claims exceeding \$100 million. She has successfully represented corporations in EEOC related actions and investigations involving allegations of sexual misconduct. She also previously participated as a member of a Deferred Prosecution Federal Monitor Team for a medical device company. Amy has had the privilege of acting as a court-appointed, pro bono, guardian ad litem in parental termination proceedings.

Amy is a Fellow of the American Bar Association, Litigation Counsel of America, Tennessee Bar Foundation and Memphis Bar Association. She is recognized by *Best Lawyers in America*[®] (Lawyer of the Year, Appellate Practice – Memphis, 2022) and *Mid-South Super Lawyers*[®]. In 2019, the Tennessee Supreme Court appointed Amy to the Tennessee Board

of Law Examiners. She was appointed to the Standing Local Rules Committee, Local Patent Rules for the United States District Court for the Western District of Tennessee and served as the Committee Chair from 2012-2018. She was recently appointed to the Content Scope Committee of the National Conference of Bar Examiners.

She is active in a number of organizations, including the American Bar Association, Tennessee Bar Association, Memphis Bar Association (Board of Directors, 2008; House of Delegates, and past Co-Chair of the Quality of Life Committee), Association of Women Attorneys (President, 2003-2004), Federal Bar Association (President of the Mid-South Chapter, 2010), and Leo Bearman Sr. American Inns of Court (Master, 2017-Present). She served as the Event Chair and Panelist for "The Changing Landscape of Patent Law: Impact of Patent Cases from the 2016-2017 Supreme Court Term on Patent Litigation and Practice," The Patent Subcommittee of the Standing Local Rules Committee and the Memphis Bar Association CLE Conference, June 29, 2017.

Amy obtained her J.D. from Vanderbilt University Law School and B.A., *with honors*, from Spring Hill College. Following law school, she clerked with the Honorable J. Julia Gibbons, Chief Judge of the U.S. District Court for the Western District of Tennessee. She is admitted to practice in Tennessee, admitted in the Sixth, Seventh, and Eleventh Circuit, and the United States Supreme Court.

PRACTICE AREAS AND INDUSTRY TEAMS

- Appellate and Written Advocacy
- Commercial Litigation
- Drug and Device Litigation
- Health Law
- Intellectual Property
- Intellectual Property Litigation
- Class Actions
- Pharmaceutical, Medical Device and Healthcare

EXPERIENCE

- Pelvic Mesh Product Liability Litigation, including *In re: Ethicon, Inc., Pelvic Repair Systems Products Liability Litigation*, MDL No. 2327, United States District Court for the Southern District of West Virginia: Lead motion practice team, expert motions; appellate trial counsel.
- Hernia Mesh Product Liability Litigation including *In re: Ethicon Physiomesher Flexible Composite Hernia Mesh Products Liability Litigation*, MDL No. 2782, United States District Court for the Northern District of Georgia: Lead motion practice, expert motions; appellate trial counsel.
- Propecia Product Liability Litigation, including *In re: Propecia (Finasteride) Product Liability Litigation*, MDL 2331, United States District Court of the Eastern District of New York: Motion team.

- Tylenol Product Liability Litigation, including *In re: Tylenol (Acetaminophen) Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2436, United States District Court for the Eastern District of Pennsylvania: Motion team.
- *Herrera-Nevarez v. Ethicon Inc. et al.*, Case No. 17 C 3930, United States District Court for the Northern District of Illinois Eastern Division: Defense verdict on design defect, failure to warn and negligence claims; appellate trial counsel.
- *Clabo v. Johnson & Johnson Health Care Systems Inc. et al.*, 2020 WL 7331496 (6th Cir. 2020): Obtained a ruling affirming summary judgment in a pelvic mesh suit on the basis of statute of repose.
- Obtained favorable resolution of multi-million dollar verdict in a pharmacy liability case for one of the nation's largest pharmacies; appellate counsel.
- Obtained summary judgment for manufacturer of metalworking fluids in mass torts case involving over 200 plaintiffs with claims exceeding \$100 million.
- Defense of mass tort case involving exposure to industrial chemicals in national venues including Madison County, Illinois, and Wayne County, Michigan.
- Prosecution and defense of commercial cases involving business disputes, unfair competition and breach of contract.
- Prosecution and defense of commercial cases involving claims for patent infringement, antitrust and Lanham Act violations.
- Member of Deferred Prosecution Federal Monitor Team for a medical device company.
- Internal Corporate Investigations and Compliance Reviews.
- Advice and services involving creation, review and negotiation of broad range of commercial sourcing and procurement contracts, with an emphasis on healthcare regulatory and compliance issues.
- Representation of hospitals, pharmaceutical companies, medical device companies, and insurance companies in civil litigation on local and national level.
- Represented Plaintiffs in two separate class actions against major credit card processors alleging violations of Tennessee Consumer Protection Act and breach of contract, achieving nationwide multi-million dollar recoveries for class members.

BAR ADMISSIONS

- Tennessee, 1996
- U.S. District Court
 - Tennessee: Eastern, Middle, Western
 - Michigan: Eastern, Western
- U.S. Court of Appeals
 - 4th Circuit
 - 6th Circuit
 - 7th Circuit
 - 9th Circuit
 - 11th Circuit

- U.S. Supreme Court

DISTINCTIONS

- *Best Lawyers in America*[®]
 - Lawyer of the Year, Appellate Practice (Memphis), 2022
 - Appellate Practice, 2021-2022
 - Commercial Litigation, 2012-2022
- *Super Lawyers*[®]
 - Mid-South Super Lawyers, Civil Litigation: Defense, 2012-2021
 - Top 50 Women: Mid-South Super Lawyers, 2013-2014
- Professor, Comparative Criminal Justice, British Studies Program, 1999-2000
- Adjunct Professor, Legal Methods, University of Memphis Humphreys School of Law
- Fellow, American Bar Association
- Fellow, Tennessee Bar Foundation
- Fellow, Litigation Counsel of America
- Fellow, Memphis Bar Association
- Delegate of Judge Julia Gibbons to the Sixth Circuit Judicial Conference, 2010
- Appointment to Standing Local Rules Committee W.D. Tennessee, Local Patent Rules
 - Chair, 2012-2018
- Appointed by Tennessee Supreme Court to Tennessee Board of Law Examiners
 - President, 2022
- National Conference of Bar Examiners, Content Scope Committee

ASSOCIATIONS

- American Bar Association
- Tennessee Bar Association
- Memphis Bar Association
 - Board of Directors, 2008
 - House of Delegates
 - Quality of Life Committee
 - Co-Chair
- Association of Women Attorneys
 - President, 2003-2004
- Federal Bar Association
 - Mid-South Chapter
 - President, 2010
- Leo Bearman, Sr. American Inn of Court,
 - Associate, 2003-2006
 - Master, 2017-Present

EDUCATION & HONORS

- Vanderbilt University, J.D., 1996
 - Order of the Coif
 - Managing Editor, *Vanderbilt Law Review*
- Spring Hill College, B.A., International Business and International Relations, *with honors*, 1993
- Clerkship, Judge J. Julia S. Gibbons, Chief-Judge, U.S. District Court, Western District of Tennessee

PAPERS, PRESENTATIONS AND PUBLICATIONS

- Event Chair and Panelist, “The Changing Landscape of Patent Law: Impact of Patent Cases from the 2016-2017 Supreme Court Term on Patent Litigation and Practice,” The Patent Subcommittee of the Standing Local Rules Committee and the Memphis Bar Association CLE Conference, June 29, 2017.
- Panelist, “The Changing Landscape of Patent Law: Impact of Patent Cases from the 2016-2017 Supreme Court Term on Patent Litigation and Practice,” Memphis Bar Association CLE Conference, June 29, 2017.
- Presenter and Panelist, “The Common Rule: History and Proposed Revisions” and “IRB Reporting: A Litigation Perspective”, Research Training Conference, September 28, 2016.
- Author, "[B2B Litigation Avoidance in the Pharmaceutical and Medical Device Industry](#)," *Pro Te: Solutio*, Vol. 8 No. 1, May 2015.
- Author, "[In the Line of Fire](#)," *Pro Te: Solutio*, Vol. 5, No. 2, May 2012.
- Author, "[Haunting Prose: Ghostwriting and Transparency in Pharmaceutical and Medical Device Publications](#)," *Medical Device Compliance Solutions*, Spring 2012.
- Author, "[2012 – In The Line of Fire](#)," *Medical Device Compliance Solutions*, Spring 2012.
- Author, "[Ghostwriting and Transparency in Pharmaceutical and Medical Device Publications](#)," *Pro Te: Solutio*, Vol. 4 No. 4, 3-9, November 2011.
- Author, “Successfully Navigating the Appeals Process: Appellate Procedure from A to Z,” National Business Institute, August 28, 2009.
- Author, “Avoiding Discovery Pitfalls,” 2009 FBA Summer Practice Seminar, June 3, 2009.
- Author, “Making Your Case: The Art of Appellate Advocacy,” FBA in conjunction with the University of Memphis, Nov. 7, 2008.
- Author, “In-House Counsel & The Internal Investigation: What Have You Got to Lose?” *Pro Te: Solutio*, July 2008.

- Author, "Prove It: Finding the Middle Ground in Tennessee's Evolving Summary Judgment Standard," *Tennessee Bar Journal*, July 2007. (Cover Article Feature)
- Author, "Paralegal Ethics," Memphis, TN, 2006.
- Author, "Tennessee Class Action Law," Nashville, TN, 2005.
- Presenter and Panelist, Federal Bar Association Seminars 2007 & 2008; included over 13 Federal Judge panelists and attended by over 150 attorneys.
- Author, "[In-House Counsel and Internal Investigation: What Have You Got to Lose?](#)" *Pro Te: Solutio*, Vol. 1 No. 3, July 2008.
- Author, "The Brady Bill: Surviving the Tenth Amendment," 48 Vand. L. Rev. 1803, November 1995.
- Author, "Economic and Social Development in Venezuela," *Journal of Global Affairs*, Volume VI, 1992.